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S. 2256

To establish an Office of International and Domestic Product Safety and a Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of product safety responsibilities, develop a centralized public database for product recalls, advisories, and alerts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish an Office of International and Domestic Product Safety and a Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of product safety responsibilities, develop a centralized public database for product recalls, advisories, and alerts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International and Do-
5 mestic Product Safety Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMISSIONER.—The term “Commis-
4 sioner” means the Commissioner responsible for the
5 U.S. Customs and Border Protection of the Depart-
6 ment of Homeland Security.

7 (2) CONSUMER PRODUCT.—The term “con-
8 sumer product” means any of the following:

9 (A) Food, as defined in section 201 of the
10 Federal Food, Drug, and Cosmetic Act (21
11 U.S.C. 321), including—

12 (i) poultry and poultry products, as
13 defined in section 4 of the Poultry Prod-
14 ucts Inspection Act (21 U.S.C. 453);

15 (ii) meat and meat food products, as
16 defined in section 1 of the Federal Meat
17 Inspection Act (21 U.S.C. 601); and

18 (iii) eggs and egg products, as defined
19 in the Egg Products Inspection Act (21
20 U.S.C. 1033).

21 (B) A drug, device, cosmetic, dietary sup-
22 plement, infant formula, and food additive, as
23 such terms are defined in section 201 of the
24 Federal Food, Drug, and Cosmetic Act (21
25 U.S.C. 321).

1 (C) A consumer product, as such term is
2 defined in section 3(a) of the Consumer Prod-
3 uct Safety Act (15 U.S.C. 2052).

4 (D) A motor vehicle, motor vehicle equip-
5 ment, and replacement equipment, as such
6 terms are defined in the National Traffic and
7 Motor Vehicle Safety Act (49 U.S.C. 30102).

8 (E) A biological product, as such term is
9 defined in section 351(i) of the Public Health
10 Service Act (42 U.S.C. 262(i)).

11 (F) A pesticide, as such term is defined by
12 the Federal Insecticide, Fungicide, and
13 Rodenticide Act (7 U.S.C. 136).

14 (G) Any other food, consumer product,
15 fishery product, beverage, or tobacco product
16 with respect to which a department or agency
17 that is represented on the Council has jurisdic-
18 tion.

19 (3) COUNCIL.—The term “Council” means the
20 Product Safety Coordinating Council established
21 under section 4.

22 (4) DIRECTOR.—The term “Director” means
23 the Director of the Office of International and Do-
24 mestic Product Safety established under section 3.

1 (5) OFFICE.—The term “Office” means the Of-
2 fice of International and Domestic Product Safety
3 established under section 3.

4 **SEC. 3. OFFICE OF INTERNATIONAL AND DOMESTIC PROD-**
5 **UCT SAFETY; DIRECTOR.**

6 (a) ESTABLISHMENT OF OFFICE.—There is estab-
7 lished in the Department of Commerce an Office of Inter-
8 national and Domestic Product Safety.

9 (b) DIRECTOR.—The Office shall be headed by a Di-
10 rector of International and Domestic Product Safety who
11 shall be appointed by the President, by and with the advice
12 and consent of the Senate, and who shall report to the
13 Secretary of Commerce.

14 (c) DUTIES.—The Director shall be responsible for
15 overseeing and coordinating international and domestic
16 consumer product safety responsibilities in a manner that
17 protects the health and safety of United States consumers
18 and ensures that consumers and businesses have access
19 to vital consumer product safety information. The Direc-
20 tor shall—

21 (1) establish policies, objectives, and priorities
22 to improve the management, coordination, pro-
23 motion, and oversight of all departments and agen-
24 cies that are responsible for international and do-
25 mestic consumer product safety;

1 (2) work with consumer groups, industry, and
2 other interested parties to establish the policies, ob-
3 jectives, and priorities described in paragraph (1);

4 (3) create a “one-stop” Federal website for con-
5 sumer product safety information;

6 (4) develop and maintain a centralized user-
7 friendly public database of all consumer product re-
8 calls, advisories, alerts, seizures, defect determina-
9 tions, import bans, and other actions related to
10 products sold (or offered for sale) in the United
11 States, including mandatory and voluntary actions
12 taken by Federal and State departments and agen-
13 cies, or by businesses;

14 (5) implement a system for disseminating con-
15 sumer product recall alerts to consumers and busi-
16 nesses, including retailers, the media, and medical
17 professionals;

18 (6) promote the development of risk assessment
19 models to assist Federal departments and agencies
20 responsible for the importation and safety of con-
21 sumer products to better identify and prevent the
22 importation or introduction into commerce of unsafe
23 products;

1 (7) promote the development of food tracing
2 technology to provide consumers with access to the
3 supply chain history of a consumer product;

4 (8) develop guidelines to facilitate information
5 sharing relating to the importation and safety of
6 consumer products among Federal departments and
7 agencies, State and local governments, businesses,
8 and United States trading partners;

9 (9) develop and maintain a public electronic di-
10 rectory of services to assist consumers and busi-
11 nesses in locating consumer product safety informa-
12 tion;

13 (10) develop a framework for engaging United
14 States trading partners in efforts to improve con-
15 sumer product safety, including cooperation and co-
16 ordination related to safety standards, testing, cer-
17 tification, audits, and inspections before consumer
18 products are shipped to the United States;

19 (11) establish an inventory of Memoranda of
20 Understanding negotiated by Federal departments
21 and agencies with foreign governments related to the
22 importation and safety of consumer products, and
23 promote coordination among Federal departments
24 and agencies seeking to negotiate new memoranda;
25 and

1 (12) develop and implement other activities to
2 ensure that there is a unified effort to protect the
3 health and safety of United States consumers, in-
4 cluding—

5 (A) simplifying consumer-retailer inter-
6 action regarding consumer products identified
7 as unsafe;

8 (B) improving consumer product labeling;

9 (C) developing comprehensive record-
10 keeping throughout the production, importation,
11 and distribution of consumer products; and

12 (D) increasing public access to information
13 regarding—

14 (i) consumer product safety stand-
15 ards, testing, and certification;

16 (ii) enforcement of consumer product
17 safety laws, and

18 (iii) consumer product-related deaths,
19 injuries, and illness.

20 (d) COMPENSATION.—Section 5314 of title 5, United
21 States Code, is amended by adding at the end the fol-
22 lowing new item:

23 “Director of International and Domestic Prod-
24 uct Safety, Department of Commerce.”.

1 (e) FUNCTION OF THE OFFICE.—The function of the
2 Office of International and Domestic Product Safety is to
3 assist the Director in carrying out the duties of the Direc-
4 tor described under this Act.

5 (f) STAFF.—The Director may employ and fix the
6 compensation of such officers and employees as may be
7 necessary to assist the Director in carrying out the duties
8 of the Director. The Director may direct, with the concur-
9 rence of the Secretary of a department or head of an agen-
10 cy, the temporary reassignment within the Federal Gov-
11 ernment of personnel employed by such department or
12 agency on a reimbursable or nonreimbursable basis.

13 **SEC. 4. PRODUCT SAFETY COORDINATING COUNCIL.**

14 (a) ESTABLISHMENT.—There is established a Prod-
15 uct Safety Coordinating Council.

16 (b) COMPOSITION.—The Council shall consist of the
17 following members or their designees:

18 (1) The Director, who shall chair the Council.

19 (2) The Commissioner of U.S. Customs and
20 Border Protection.

21 (3) The Under Secretary of Commerce for
22 International Trade.

23 (4) A Deputy United States Trade Representa-
24 tive, as determined by the United States Trade Rep-
25 resentative.

1 (5) The Under Secretary of State for Economic,
2 Energy and Agricultural Affairs.

3 (6) The Under Secretary of Agriculture for
4 Food Safety.

5 (7) The Commissioner of the Food and Drug
6 Administration.

7 (8) The Assistant Administrator for Fisheries
8 of the National Oceanic and Atmospheric Adminis-
9 tration.

10 (9) The Chairman of the Consumer Product
11 Safety Commission.

12 (10) The Administrator of the National High-
13 way Traffic Safety Administration.

14 (11) The Deputy Administrator of the Environ-
15 mental Protection Agency.

16 (12) The Administrator of the Alcohol and To-
17 bacco Tax and Trade Bureau.

18 (13) The Deputy Attorney General.

19 (14) The Director of the Centers for Disease
20 Control and Prevention.

21 (15) The Chairman of the Federal Trade Com-
22 mission.

23 (16) Such other officers of the United States as
24 the Director determines necessary to carry out the
25 functions of the Council.

1 (c) DEPARTMENT AND AGENCY RESPONSIBIL-
2 ITIES.—

3 (1) IN GENERAL.—The department or agency
4 of each member of the Council shall assist the Direc-
5 tor in—

6 (A) developing and implementing a unified
7 effort to protect the health and safety of United
8 States consumers;

9 (B) ensuring that consumers and busi-
10 nesses have access to vital consumer product
11 safety information; and

12 (C) carrying out the responsibilities of the
13 Director under this Act.

14 (2) COOPERATION.—Each member of the Coun-
15 cil shall ensure that the department or agency the
16 member represents—

17 (A) provides such assistance, information,
18 and advice as the Director may request;

19 (B) complies with information sharing poli-
20 cies, procedures, guidelines, and standards es-
21 tablished by the Director; and

22 (C) provides adequate resources to support
23 the activities and operations of the Office.

24 (d) MEETINGS.—The Director shall convene monthly
25 meetings of the Council.

1 **SEC. 5. STRATEGIC PLAN.**

2 (a) STRATEGIC PLAN REQUIRED.—Not later than
3 180 days after the date of the enactment of this Act, and
4 every 2 years thereafter, the Director shall, after con-
5 sulting with the members of the Council, submit to the
6 President and to Congress a strategic plan.

7 (b) CONTENTS OF STRATEGIC PLAN.—The strategic
8 plan submitted under subsection (a) shall contain—

9 (1) a detailed description of the goals, objec-
10 tives, and priorities of the Office and the Council;

11 (2) a description of the methods for achieving
12 the goals, objectives, and priorities;

13 (3) a description of the performance measures
14 that will be used to monitor results in achieving the
15 goals, objectives, and priorities; and

16 (4) an estimate of the resources necessary to
17 achieve the goals, objectives, and priorities described
18 in subparagraph (1), and an estimate of the cost of
19 the resources.

20 **SEC. 6. REPORT ON INTERNATIONAL AND DOMESTIC PROD-**
21 **UCT SAFETY.**

22 (a) REPORT REQUIRED.—Not later than November
23 1 of each calendar year, the Director shall submit to the
24 President and to Congress, a written report on the safety
25 of international and domestic consumer products.

1 (b) CONTENT OF REPORT.—The report submitted
2 under subsection (a) shall contain a detailed description
3 of the implementation of the duties set forth in section
4 3(c) of the Act.

5 (c) CONSULTATIONS.—The Director shall consult
6 with the members of the Council with respect to the prepa-
7 ration of the report required under subsection (a). Any
8 comments provided by the members of the Council shall
9 be submitted to the Director not later than October 15
10 of each calendar year. The Director shall submit the re-
11 port to Congress after taking into account all comments
12 received.

13 **SEC. 7. PRIORITY IN INTERNATIONAL TRADE TALKS.**

14 The President, the Director, and members of the
15 Council shall seek to engage trading partners of the
16 United States in bilateral and multilateral fora regarding
17 improvements in consumer product safety, including co-
18 operation and coordination with respect to—

19 (1) authorization of preexport audits and in-
20 spections;

21 (2) establishment of safety standards, testing,
22 and certifications; and

23 (3) public dissemination of information con-
24 cerning consumer product recalls, advisories, alerts,

1 seizures, defect determinations, import bans, and
2 other related actions.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-
5 retary of Commerce such sums as may be necessary to
6 carry out the provisions of this Act and the activities of
7 the Office.

8 **SEC. 9. AUTHORIZATION OF INTERAGENCY SUPPORT FOR**
9 **PRODUCT SAFETY COORDINATION.**

10 The use of interagency funding and other forms of
11 support is authorized by Congress to carry out the func-
12 tions and activities of the Office and the functions and
13 activities of the Council.

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